

AMENDED IN SENATE APRIL 20, 2009

SENATE BILL

No. 521

Introduced by Senator Romero

February 26, 2009

An act to amend Section 313 of, ~~and to add Section 60814 to,~~ the Education Code, relating to pupil testing.

LEGISLATIVE COUNSEL'S DIGEST

SB 521, as amended, Romero. Pupil testing: English language development test.

Existing law requires each school district that has one or more pupils who are English learners to assess the English language development of each of those pupils upon initial enrollment in order to determine the level of proficiency of those pupils and thereafter to assess each of those pupils annually until the pupil is redesignated as English proficient. The assessment primarily consists of the administration of a specified English language development test that assesses pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills, and pupils in kindergarten and grade 1 in English listening and speaking.

This bill would require the annual assessment to be conducted during a 3-month test period that commences on the day when 65% of the instructional year is completed. The bill would require the State Department of Education ~~annually to release sample questions from the English language development for the purpose of instruction and~~ to provide the score a pupil achieves on the English language development test to the parent or guardian of the pupil in English and, if available, in the language reported on the home language survey. The bill would require that the score be provided in a format that uses terminology that is easy to understand and includes an explanation of

the purpose of the test, the pupil's score, and the intended use of that score by the school district.

The bill would state the intent of the Legislature to direct the department to explore ~~cost saving~~ *cost-saving* measures regarding the administration of the California English language development test, including electronic test administration and procedures by which test booklets may be reused.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 313 of the Education Code is amended
2 to read:
3 313. (a) Each school district that has one or more pupils who
4 are English learners shall assess the English language development
5 of each pupil in order to determine the level of proficiency for the
6 purposes of this chapter.
7 (b) The department, with the approval of the state board, shall
8 establish procedures for conducting the assessment required
9 pursuant to subdivision (a) and for the reclassification of a pupil
10 from English learner to proficient in English.
11 (c) The assessment shall be conducted upon initial enrollment,
12 and annually thereafter, during a three-month testing period that
13 shall commence on the day that 65 percent of the instructional year
14 is completed. The annual assessments shall continue until the pupil
15 is redesignated as English proficient. The assessment primarily
16 shall utilize the English language development test identified or
17 developed by the Superintendent pursuant to Chapter 7
18 (commencing with Section 60810) of Part 33. The department
19 shall provide the score a pupil achieves on the English language
20 development test to the parent or guardian of the pupil in English
21 and, if available, in the language reported on the home language
22 survey. The score shall be provided in a format that uses
23 terminology that is easy to understand and includes an explanation
24 of the purpose of the test, the score the pupil achieved, and the
25 intended use of that score by the school district.
26 (d) The reclassification procedures developed by the department
27 shall utilize multiple criteria in determining whether to reclassify

1 a pupil as proficient in English, including, but not limited to, all
2 of the following:

3 (1) Assessment of language proficiency using an objective
4 assessment instrument, including, but not limited to, the English
5 language development test pursuant to Section 60810.

6 (2) Teacher evaluation, including, but not limited to, a review
7 of the pupil's curriculum mastery.

8 (3) Parental opinion and consultation.

9 (4) Comparison of the pupil's performance in basic skills against
10 an empirically established range of performance in basic skills
11 based upon the performance of English proficient pupils of the
12 same age, that demonstrates whether the pupil is sufficiently
13 proficient in English to participate effectively in a curriculum
14 designed for pupils of the same age whose native language is
15 English.

16 (e) It is the intent of the Legislature that this section does not
17 preclude a school district or county office of education from testing
18 English language learners more than once in a school year if the
19 school district or county office of education chooses to do so.

20 ~~SEC. 2. Section 60814 is added to the Education Code, to read:~~
21 ~~60814. The department annually shall release sample questions~~
22 ~~from the English language development test developed pursuant~~
23 ~~to Section 60810 for the purpose of instruction.~~

24 ~~SEC. 3.~~

25 *SEC. 2.* It is the intent of the Legislature to direct the State
26 Department of Education to explore ~~cost-saving~~ *cost-saving*
27 measures regarding the administration, pursuant to Section 313 of
28 the Education Code, of the English language development test.
29 The measures shall include electronic test administration and
30 procedures by which test booklets may be reused.